

## **REMARKS**

Applicants have amended the original claims, prior to examination of the above-identified application and prior to calculating the filing fee, in order to delete multiple dependency, including improper multiple dependency in various of the claims. Moreover, Applicants have amended claim 44 to delete the alternative embodiments (and alternative dependency) recited in the same claim.

In light of amendments to previously submitted claims, Applicants are adding new claims 45-81 to the application. Claim 45 corresponds to claim 44, but includes therein use of the composition recited in the alternative embodiment set forth in original claim 44. Claims 46-81 have been added in light of the deletion of multiple dependency.

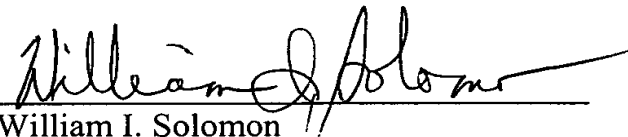
Entry of the preliminary amendments, and, subsequent thereto, calculation of the filing fee and then examination of the above-identified application, are respectfully requested.

Attached hereto is a marked-up version of the changes made to the claims by the current Preliminary Amendment. The changes are shown on the attached pages, the first page of which is captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE**".

To the extent necessary, applicants petition for an extension of time under 37 CFR §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (506.41066X00) and please credit any excess fees to such deposit account.

Respectfully submitted,

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ATTACHMENT A

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claims 3-10, 15-27 and 31-44 have been amended as indicated below:

3. (Amended) The process according to claim 1 [or 2], wherein the first microorganism has the activity to introduce hydroxy into the 13-position and hydrogen into the 12-position of linoleic acid,  $\alpha$ -linolenic acid or  $\gamma$ -linolenic acid to make the 12-position a single bond.

4. (Amended) The process according to [any of claims 1 to 3] claim 1, wherein the first microorganism is a lactic acid bacterium or bifidobacterium.

5. (Amended) The process according to [any of claims 1 to 3] claim 1, wherein the first microorganism belongs to the genus Pediococcus or Bifidobacterium.

6. (Amended) The process according to [any of claims 1 to 3] claim 1, wherein the first microorganism is Pediococcus pentosaceus or Bifidobacterium bifidum.

7. (Amended) The process according to [any of claims 1 to 3] claim 1, wherein the first microorganism is Pediococcus pentosaceus IFO3891, Pediococcus sp. IFO3778 or Bifidobacterium bifidum JCM7002.

8. (Amended) The process according to [any of claims 1 to 7] claim 1, wherein the straight-chain fatty acid having n carbon atoms (n is an even number of 10 or more) wherein at least the [n-6]-position is a double bond is linoleic acid and the [n-5]-hydroxy fatty acid wherein the [n-6]-position is a single bond is 13-hydroxy-9-octadecenoic acid.

9. (Amended) The process according to [any of claims 1 to 7] claim 1, wherein the straight-chain fatty acid having n carbon atoms (n is an even number of 10 or more) wherein at least the [n-6]-position is a double bond is  $\alpha$ -linoleic acid and the [n-5]-hydroxy fatty acid wherein the [n-6]-position is a single bond is 13-hydroxy-9,15-octadecadienoic acid.

10. (Amended) The process according to [any of claims 1 to 7] claim 1, wherein the straight-chain fatty acid having n carbon atoms (n is an even number of 10 or more) wherein at least the [n-6]-position is a double bond is  $\gamma$ -linoleic

acid and the [n-5]-hydroxy fatty acid wherein the [n-6]-position is a single bond is 13-hydroxy-6,9-octadecadienoic acid.

15. (Amended) The process according to [any of claims 12 to 14] claim 12, wherein the double bond at the [n-6]-position is the cis-form.

16. (Amended) The process according to [any of claims 12 to 15] claim 12, wherein the first microorganism has the activity to introduce hydroxy into the 13-position and hydrogen into the 12-position of linoleic acid,  $\alpha$ -linolenic acid or  $\gamma$ -linolenic acid to make the 12-position a single bond.

17. (Amended) The process according to [any of claims 12 to 15] claim 12, wherein the first microorganism is a lactic acid bacterium or bifidobacterium.

18. (Amended) The process according to [any of claims 12 to 15] claim 12, wherein the first microorganism belongs to the genus Pediococcus or Bifidobacterium.

19. (Amended) The process according to [any of claims 12 to 15] claim 12, wherein the first microorganism is Pediococcus pentosaceus or Bifidobacterium bifidum.

20. (Amended) The process according to [any of claims 12 to 15] claim 12, wherein the first microorganism is Pediococcus pentosaceus IFO3891, Pediococcus sp. IF03778 or Bifidobacterium bifidum JCM7002.

21. (Amended) The process according to [any of claims 12 to 20] claim 12, wherein the second microorganism is a yeast.

22. (Amended) The process according to [any of claims 12 to 20] claim 12, wherein the second microorganism belongs to the genus Kluyveromyces, Zygosaccharomyces, Pichia or Saccharomyces.

23. (Amended) The process according to [any of claims 12 to 20] claim 12, wherein the second microorganism is Kluyveromyces marxianus, Kluyveromyces thermotolerans, Kluyveromyces wickerhamii, Zygosaccharomyces rouxii, Zygosaccharomyces bailii, Zygosaccharomyces cidri, Pichia jadinii or Saccharomyces cerevisiae.

24. (Amended) The process according to [any of claims 12 to 20] claim 12, wherein the second microorganism is Kluyveromyces marxianus IFO1090, Kluyveromyces thermotolerans ATCC24177, Kluyveromyces wickerhamii ATCC24178, Zygosaccharomyces rouxii NFR2007, Zygosaccharomyces bailii ATCC8766, Zygosaccharomyces cidri ATCC46819, Pichia jadinii IFO0987 or Saccharomyces cerevisiae Kyokai No. 701.

25. (Amended) The process according to [any of claims 12 to 24] claim 12, wherein the straight-chain fatty acid having n carbon atoms (n is an even number of 10 or more) wherein at least the [n-6]-position is a double bond is linoleic acid and the  $\delta$ -lactone is  $\delta$ -decalactone.

26. (Amended) The process according to [any of claims 12 to 24] claim 12, wherein the straight-chain fatty acid having n carbon atoms (n is an even number of 10 or more) wherein at least the [n-6]-position is a double bond is  $\alpha$ -linoleic acid and the  $\delta$ -lactone is jasmine lactone.

27. (Amended) The process according to [any of claims 12 to 26] claim 12, wherein the composition is a natural oil or fat or a hydrolyzate thereof.

31. (Amended) The process according to [any of claims 28 to 30] claim 28, wherein the double bond at the [n-6]-position is the cis-form.

32. (Amended) The process according to [any of claims 28 to 31] claim 28, wherein the first microorganism has the activity to introduce hydroxy into the 13-position and hydrogen into the 12-position of linoleic acid,  $\alpha$ -linolenic acid or  $\gamma$ -linolenic acid to make the 12-position a single bond.

33. (Amended) The process according to [any of claims 28 to 31] claim 28, wherein the first microorganism is a lactic acid bacterium or bifidobacterium.

34. (Amended) The process according to [any of claims 28 to 31] claim 28, wherein the first microorganism belongs to the genus Pediococcus or Bifidobacterium.

35. (Amended) The process according to [any of claims 28 to 31] claim 28, wherein the first microorganism is Pediococcus pentosaceus or Bifidobacterium bifidum.

36. (Amended) The process according to [any of claims 28 to 31] claim 28, wherein the first microorganism is Pediococcus pentosaceus IFO3891, Pediococcus sp. IF03778 or Bifidobacterium bifidum JCM7002.

37. (Amended) The process according to [any of claims 28 to 36] claim 28, wherein the second microorganism is a yeast.

38. (Amended) The process according to [any of claims 28 to 36] claim 28, wherein the second microorganism belongs to the genus Kluyveromyces, Zygosaccharomyces, Pichia or Saccharomyces.

39. (Amended) The process according to [any of claims 28 to 36] claim 28, wherein the second microorganism is Kluyveromyces marxianus, Kluyveromyces thermotolerans, Kluyveromyces wickerhamii, Zygosaccharomyces rouxii, Zygosaccharomyces bailii, Zygosaccharomyces cidri, Pichia jadinii or Saccharomyces cerevisiae.

40. (Amended) The process according to [any of claims 28 to 36] claim 28, wherein the second microorganism is Kluyveromyces marxianus IFO1090, Kluyveromyces thermotolerans ATCC24177, Kluyveromyces wickerhamii

ATCC24178, Zygosaccharomyces rouxii NFR2007, Zygosaccharomyces bailii ATCC8766, Zygosaccharomyces cidri ATCC46819, Pichia jadinii IFO0987 or Saccharomyces cerevisiae Kyokai No. 701.

41. (Amended) The process according to [any of claims 28 to 40] claim 28, wherein the straight-chain fatty acid having n carbon atoms (n is an even number of 10 or more) wherein at least the [n-6]-position is a double bond is linoleic acid and the  $\delta$ -lactone is  $\delta$ -decalactone.

42. (Amended) The process according to [any of claims 28 to 40] claim 28, wherein the straight-chain fatty acid having n carbon atoms (n is an even number of 10 or more) wherein at least the [n-6]-position is a double bond is  $\alpha$ -linoleic acid and the  $\delta$ -lactone is jasmine lactone.

43. (Amended) The process according to [any of claims 28 to 42] claim 28, wherein the composition is a food.

44. (Amended) The process for producing a food containing a  $\delta$ -lactone, which comprises adding to a food the  $\delta$ -lactone produced by the process

according to [any of claims 12-27] claim 12 [or the composition containing the  $\delta$ -lactone produced by the process according to any of claims 28 to 42].

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